

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4161-2

RESPONSE UNDER RULE 116

C# M#

EXPEDITED HANDLING

TATO et al.

T.C. / Art Unit: 1614

PROCEDURES

Serial No. 10/088,678

Examiner: M. Graffeo

Filed: June 4, 2003

Date: February 13, 2006

Title: METHOD FOR THE SELECTIVE PROTECTION OF PROLIFERATING NORMAL CELLS AND THE SELECTIVE ERADICATION OF TUMOR CELLS HAVING AN INACTIVE P53 PATHWAY

**Mail Stop AF**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT UNDER 37 CFR § 1.116**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	40	minus highest number	
previously paid for	52	(at least 20) =	0 x \$50.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	6	minus highest number	
previously paid for	6	(at least 3) =	0 x \$200.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$60.00 (2251)
Two Month Extensions	\$450.00 (1252)/\$225.00 (2252)
Three Month Extensions	\$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions	\$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions	\$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add  
\$130.00 (1814) / \$65.00 (2814) \$

Applicant claims "small entity" status.  Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee  
\$180.00 (1806) \$

Assignment Recording Fee  
\$40.00 (8021) \$

Other:  
\$

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No. 4826

TATO et al.

Atty. Ref.: 4161-2

Appln. No. 10/088,678

T.C. / Art Unit: 1614

Filed: June 4, 2003

Examiner: M. Graffeo

FOR: METHOD FOR THE SELECTIVE PROTECTION OF PROLIFERATING NORMAL CELLS AND THE SELECTIVE ERADICATION OF TUMOR CELLS HAVING AN INACTIVE P53 PATHWAY

\* \* \*

**AMENDMENT UNDER 37 CFR § 1.116**

February 13, 2006

**Mail Stop AF**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the pending Office Action mailed November 25, 2005, entry and consideration of the following amendments and remarks are respectfully requested.

The **claims** are presented on pages 2-11.

Claims 28, 34, 40, 44, 46 and 51-53 are amended.

Claims 31, 33, 43, 45 and 57 are canceled without prejudice or disclaimer.

**Remarks** begin on page 12.